IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

EQT PRODUCTION COMPANY,	
Plaintiff,)
v. AUSTIN CAPERTON, in his official capacity as Secretary of the West Virginia Department of) Civil Action No. 1:18-cv-72) Judge Thomas S. Kleeh)
Environmental Protection,)
Defendant.)))

MOTION FOR VOLUNTARY DISMISSAL

On February 15, 2019, Plaintiff EQT Production Company ("EQT") filed a *Motion to Stay January 30, 2019 Briefing Schedule and Ruling on Defendant's Motion to Dismiss* (the "Motion to Stay). The Court granted the Motion to Stay by Order entered on February 19, 2019. ECF No. 58. On July 19, 2019, EQT filed a *Status Report and Motion to Extend Stay* (ECF No. 62), which was granted by Order entered on July 29, 2019. ECF No. 63.

EQT hereby moves pursuant to Fed. R. Civ. P. 41(a)(2) for entry of an order voluntarily dismissing this civil action, without prejudice. Counsel for Defendant, Secretary Caperton, has advised they do not have an objection to the motion, as stipulated below.

WHEREFORE, for the foregoing reasons, EQT moves the Court to dismiss this action, without prejudice. A proposed Order granting the relief requested is attached for the convenience of the Court.

Respectfully submitted this 30th day of August, 2019.

EQT PRODUCTION COMPANY,

By Counsel:

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By: /s/ Timothy M. Miller

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Attorneys for Plaintiff EQT Production Company

Reviewed and Approved Without Objection

AUSTIN CAPERTON, in his official capacity as Secretary of the West Virginia Department of Environmental Protection

By Counsel:

/s/ Raymond S. Franks II

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CERTIFICATE OF SERVICE

I, Timothy M. Miller, do hereby certify that on August 30, 2019, I electronically filed the foregoing "Motion for Voluntary Dismissal" with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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